

MESSAGE NO: 3205307 MESSAGE DATE: 07/24/2013

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: CTDIS-Court ORD Dissolved

FR CITE: FR CITE DATE:

REFERENCE 1133312, 1195301, 1220301,
MESSAGE # 1222303, 1237304
(s):

CASE #(s): C-570-938

EFFECTIVE DATE: 06/05/2013 COURT CASE #: 11-00172

PERIOD OF REVIEW: 05/01/2010 TO 04/30/2011

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Liquidation instructions for citric acid and certain citrate salts from the PRC entered, or withdrawn from warehouse, for consumption by Global Commodity Group LLC (C-570-938), Court No. 11-00172.

Notice of the lifting of suspension occurred on the message date of these instructions. See paragraph 3 below.

1. On 03/07/2013, the Court of Appeals for the Federal Circuit issued a final decision in Global Commodity Group LLC v. United States (Court. No. 2012-1346). As a result of this decision, the injunction to which message 1220301 (corrected by message 1222303) refers enjoining liquidation of entries which are subject to the countervailing duty order on citric acid and certain citrate salts from People's Republic of China (C-570-937) that were (1) entered, or withdrawn from warehouse, for consumption by Global Commodity Group LLC, (2) that consist of citric acid of Chinese origin that was blended in the Dominican Republic with citric acid of non-Chinese origin, and (3) that were subject to the May 2, 2011 scope ruling (see Message 1133312 dated 05/13/2011), dissolved on 06/05/2013.

2. For all shipments of citric acid and certain citrate salts from the People's Republic of China that were (1) entered, or withdrawn from warehouse, for consumption by Global Commodity Group LLC, (2) that consist of citric acid of Chinese origin that was blended in the Dominican Republic with citric acid of non-Chinese origin, and (3) that were subject to the May 2, 2011 scope ruling, assess countervailing duties equal to the applicable rate in effect on the date of entry as referenced in the messages below. (NOTE: Entries of this merchandise may have entered under C-247-938, which is the case number that covers entries of citric acid and certain citrate salts from the Dominican Republic that may be subject to the countervailing duty order on citric acid and certain citrate sales from the People's Republic of China).

Message number 1195301, dated 07/14/2011

Message number 1237304, dated 08/25/2011

Message number 1237305, dated 08/25/2011

Message number 1245311, dated 09/02/2011

Message number 2207309, dated 07/25/2012

Message number 2283308, dated 10/09/2012

Message number 2356301, dated 12/21/2012

3. These instructions constitute notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 2. Accordingly, notice of the lifting of suspension occurred on the message date of these instructions. Unless instructed otherwise, for all other shipments of citric acid and certain citrate salts from People's Republic of China you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.
4. The injunction with court number 11-00537, in message number 2006303, dated 01/06/2012, is applicable to entries of subject merchandise which were produced and/or exported by RZBC Co., Ltd.; RZBC Import & Export Co., Ltd.; RZBC (Juxian) Co., Ltd.; and RZBC Group, Co. Ltd. (collectively "RZBC"), or produced and exported by Yixing-Union Biochemical Co., Ltd. and Yixing-Union Cogeneration Co., Ltd. (collectively "Yixing"), and which were entered, or withdrawn from warehouse, for consumption during the period 09/19/2008 through 12/31/2009. Accordingly, until further notice, continue to suspend liquidation of these entries until liquidation instructions are provided.
5. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.
6. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by O1:CS.)
7. There are no restrictions on the release of this information.

Michael B. Walsh

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party